

REMARKS

As amended, claim 1 specifies that the sheath is a reusable molded plastic sheath and, additionally, that the sheath reversibly engages with the cap. Support for this amendment is provided in the specification at page 4, line 11 to page 22 (which includes descriptions of a variety of means by which the sheath may be engaged with the cap in a reversible manner) and page 5, lines 5 to 12. Claim 10 has also been amended to describe the sheath as reusable (see page 5, lines 5 to 12) and to further specify that both the body and cup of the bottle or jar are held within and protected from physical damage by the sheath (see page 3, lines 25 to 26 and page 7, lines 24 to 26). New independent claim 12 has been added; see page 3, lines 3 to 10 and 25 to 26; page 5, lines 5 to 12; and page 7, lines 24 to 26.

Additionally, clarifying amendments have been made to claims 4, 5 and 6 which are believed to overcome the rejection thereof under 35 U.S.C. § 112 as indefinite.

Claims 1, 2, 8 and 10 stand rejected under 35 U.S.C. § 103(a) as obvious over Beal (U.S. Pat. No. 601,117); additionally, claims 1 to 4, 6 to 8 and 10 stand rejected under 35 U.S.C. § 103(a) as obvious over Farricielli (Des. 327,431) in view of Beal.

Beal discloses a bottle that has a u-shaped guard formed from glass or other "frangible material" that fits over a stopper in a bottle and into a groove or space located in the rim of an annular flange located at the neck of the bottle. To access the bottle contents, the u-shaped guard must be broken. Thus, the guard, which is fabricated with a point of weakness, indicated as area 7 of Figures 1 and 2, is intended to be destroyed and serves as a seal that indicates whether or not the bottle has been opened; it does not protect the bottle from physical damage. The u-shaped guard of Beal is not reusable sheath, nor does it releasably hold the bottle therein described.

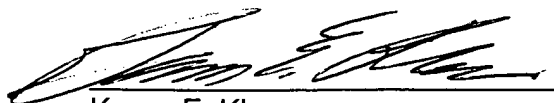
Farricielli discloses an arch-shaped dispensing container cap that is shown as fitting over a container. In contrast to Farricielli, whose arch-shaped component is nothing more than an ornamental cap, the sheath described by the subject claims is a form of protective secondary packaging for a bottle or jar that has a separate cap component. There is nothing in Farricielli that discloses or suggests a jar or bottle, the body and cap of which are both held within a sheath as described by the subject claims. Moreover, there is nothing in Farricielli that discloses or suggests a sheath that reversibly engages with the cap of the bottle or jar as required by claims 1 to 8 of the subject application.

While both Beal and Farricielli show a u-shaped component, that component is structurally and functionally very different in the two citations; in Beal it is a breakable seal, in Farricielli, a cap. Given the differences between the citations, there is nothing that would motivate one skilled in the art to combine the citations. Moreover, even if combined, there is nothing that discloses or suggests the subject invention, as described by the instant claims.

Accordingly, reconsideration and allowance of the subject claims as hereby amended is respectfully requested.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



Karen E. Klumas
Registration No. 31,070
Attorney for Applicant(s)

KEK/sa
(201) 894-2332